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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,687	12/31/2003	Francis Joseph Kronzer	19673	2173
23556	7590	08/09/2005	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			CHAN, SING P	
		ART UNIT	PAPER NUMBER	
		1734		

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/749,687	KRONZER, FRANCIS JOSEPH	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 8-32 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7,33 and 34 is/are rejected.
- 7) Claim(s) 33 and 34 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/2/04, 4/19/04, 5/20/04, 11/1/04, 4/4/06</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) <input type="checkbox"/> Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group I, claims 1-7 and 33-34 in the reply filed on June 2, 2005 is acknowledged. The traversal is on the ground(s) that searches clearly overlap and that little, if any, additional burden is placed on the examiner. This is not found persuasive because Group II is directed to a kit and is classified in a different class than Group I and required a separate search for that class.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 8-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on June 2, 2005.

Claim Objections

3. Claims 33 and 34 are objected to under 37 CFR 1.75(c), as being of improper dependent form, which depend on nonelected claim, i.e. claim 8. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 5 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, applicant recites in step c, "transferring the imaged printable layer to the first heat transfer material." However, since the imaged printable layer is already on the first heat transfer material, it is unclear how imaged printable layer is transfer to the first heat transfer material. For the purpose of examination, "separating the imaged printable layer from the first base layer" will be assumed.

Regarding claim 34, applicant recites in step c, "transferring the imaged printable, peelable transfer film to the first heat transfer material." However, since the imaged printable, peelable transfer film is already on the first heat transfer material, it is unclear how imaged printable, peelable transfer film is transfer to the first heat transfer material. For the purpose of examination, "separating the imaged printable layer from the first base layer" will be assumed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4-7, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cross (U.S. 6,482,285) in view of Saito et al (U.S. 6,043,194).

Regarding claims 1, 2, 5, 6, 33, and 34, Cross discloses a method of creating a transfer. The method includes providing an opaque polymer film supported on a releasably coated carrier film, printing graphic on the opaque film and kiss cutting to facilitate separation of the printed opaque film to create a transfer (Col 7, line 65 to Col 8, line 3), placing the transfer face down on a second carrier film (Col 8, lines 29-31), applying heat and pressure to the carrier to apply the graphic transfer to the a substrate and removing the carrier immediately after (Col 11, lines 4-20). Cross is silent as to providing a overlay transfer film overlaying the printed graphic film. However, providing a overlay film over the printed film by using a transfer overlay film is well known and conventional as shown for example by Saito et al. Saito et al discloses a method of providing a protective covering over a print. The method includes providing a protective layer transfer sheet, i.e. overlay transfer film, thermal transferring the protective layer onto the printed layer or film provided on the substrate. (Col 11, lines 29-43)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide protective layer or overlay film over the printed film or layer as disclosed by Saito et al in the method of Cross to provide a print with good light fastness, weather fastness, and rubbing fastness. (See Saito et al, Col 11, lines 43-46)

Regarding claim 4, Cross discloses using a heat sealing machine with upper and lower platen, i.e. heating press. (Col 10, lines 61-65)

Regarding claim 7, Cross is silent as to the protective layer is not attached to the print during positioning. However, positioning the protective layer onto the print prior to

attaching to the printing is well known and conventional as shown for example by Saito et al. Saito et al discloses positioning the protective layer transfer sheet onto the print receptive layer provided on the substrate prior to transferring the protective layer onto the printing. (Col 11, lines 29-43)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to position the protective layer transfer sheet onto the print prior to transferring the protective layer onto the printing as disclosed by Saito et al in the method of Cross to provide a print with good light fastness, weather fastness, and rubbing fastness. (See Saito et al, Col 11, lines 43-46)

8. Claims 1-3, 5-7, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare (U.S. 5,948,586) in view of Saito et al (U.S. 6,043,194).

Regarding claims 1, 2, 5, 6, 33, and 34, Hare discloses a method of hand application of imaged transfer to fabric. The method includes providing an polymer coating supported on a silicone coated paper base, printing graphic on the coating, separating the printed coating to create a free standing "film" rather than a full bodied transfer, positioning the printed film atop the fabric, positioning a silicone sheet over the coating, applying heat and pressure to the silicone sheet to apply the printed film to the a substrate and removing the silicone sheet. (Col 9, lines 20-41) Hare is silent as to providing a overlay transfer film overlaying the printed graphic film. However, providing a overlay film over the printed film by using a transfer overlay film is well known and conventional as shown for example by Saito et al. Saito et al discloses a method of providing a protective covering over a print. The method includes providing a

protective layer transfer sheet, i.e. coverlay transfer film, thermal transferring the protective layer onto the printed layer or film provided on the substrate. (Col 11, lines 29-43)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide protective layer or coverlay film over the printed film or layer as disclosed by Saito et al in the method of Hare to provide a print with good light fastness, weather fastness, and rubbing fastness. (See Saito et al, Col 11, lines 43-46)

Regarding claim 3, Hare discloses using an iron to heat and press the coating or film into the fabric. (Col 9, lines 33-36)

Regarding claim 7, Hare is silent as to the protective layer is not attached to the print during positioning. However, positioning the protective layer onto the print prior to attaching to the printing is well known and conventional as shown for example by Saito et al. Saito et al discloses positioning the protective layer transfer sheet onto the print receptive layer provided on the substrate prior to transferring the protective layer onto the printing. (Col 11, lines 29-43)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to position the protective layer transfer sheet onto the print prior to transferring the protective layer onto the printing as disclosed by Saito et al in the method of Hare to provide a print with good light fastness, weather fastness, and rubbing fastness. (See Saito et al, Col 11, lines 43-46)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P. Chan whose telephone number is 571-272-

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1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPC


SUE A. PURVIS
PRIMARY EXAMINER